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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,472	06/15/2001	Harvey M. Ruback	6169-157	8075

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EXAMINER
OPSASNICK, MICHAEL N

ART UNIT	PAPER NUMBER
2626	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *18 July 2007*.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-10,13-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-10 and 13-25* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 7/18/07 has been entered.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1-10,13-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Dragosh (6604077) in view of White et al (6408272).

        As per claims 1,10,14,23,24, Dragosh (6604077) teaches a method for processing

speech audio in a client device (abstract) comprising:

"selecting a speech grammar....device" as selecting the grammar for the appropriate application (col. 5 lines 35-45);

"characterizing the selected speech grammar....speech recognition system" as characterizing the grammar based on the grammar handle (col. 6 lines 24-32, col. 6 lines 42-59; the grammar handle that is embedded in the grammar itself identifying it as a "canned" grammar from a plurality of different types of "canned" grammars, or to go to a URL to find the appropriate grammars; the grammar handles make the distinction between a "canned" grammar, and one that is available via URL, and clearly is a distinction with respect to complexity). Examiner notes that the current claim scope of "based on the characterization of the selected speech grammar", referring back to applicant's specification (page 4, lines 13 – page 5 line 6;page 10, line 21-26; page 12 lines 5-11), does not distinguish over Dragosh's determination to switch to a "canned" grammar. The predetermination step of the current claim scope does not exclude processing of speech data to determine the grammar selection.

"based on the characterization......server in the network" as downloading the grammar from the server if it is determined to be the grammar that is wanted (col. 5 lines 65 – col. 6 line 40).

As per claims 1,10,14,23,24, Dragosh (6604077) teaches the location of the grammar to be chooseable, but however, does not explicitly teach determining at the client side to perform the process at a server. White et al (6408272), however, teaches the evaluation of speech processing capability at the local device, and based upon performance determination, transfers the speech processing to a remote device when the

local device cannot handle the speech processing (White et al (6408272), abstract, Fig. 4, col. 17 line 63 – col. 18 line 18). Therefore, it would have been obvious to one of ordinary skill in the art of speech processing to enhance the Dragosh (6604077) system that handles grammar processing with the ability to make a determination of processing capability on the local device (and hence send the processing to a remote device when the local device cannot handle such processing) because it would advantageously shift the bulk of the hardware/software requirements to a remote location, and therefore not straining the requirements for the local device (White et al (6408272), col. 2 line 62 – col. 3 line 5).

The combination of Dragosh (6604077) in view of White et al (6408272) teaches the choosing of the grammar, but does not explicitly teach choosing the grammar based upon processor load/speed, but Shwe et al (6560590) teaches choosing a subset of a grammar based on processor load (col. 4 lines 54-59). Therefore, it would have been obvious to one of ordinary skill in the art of speech to modify the teachings of the combination of Dragosh (6604077) in view of White et al (6408272) with a processor load based grammar decision because it would advantageously provide a quicker response by the server (Shwe et al (6560590), col. 4 lines 59-60).

As per claims 2,15,25, the combination of Dragosh (6604077) in view of White et al (6408272) in further view of Shwe et al (6560590) teaches establishing a communication session and querying the speech server (Dragosh (6604077), col. 6 lines 20-38).

As per claims 3,16, the combination of <u>Dragosh (6604077)</u> in view of <u>White et al (6408272)</u> in further view of <u>Shwe et al (6560590)</u> teaches uploading the grammar (<u>Dragosh (6604077)</u>, col. 6 lines 25-27).

As per claims 4,17, the combination of <u>Dragosh (6604077)</u> in view of <u>White et al (6408272)</u> in further view of <u>Shwe et al (6560590)</u> teaches registering the speech grammar (as loading the grammar with a returned handle (<u>Dragosh (6604077)</u>, col. 6 lines 60-65).

As per claims 5-9,13,19-22, the combination of <u>Dragosh (6604077)</u> in view of <u>White et al (6408272)</u> in further view of <u>Shwe et al (6560590)</u> teaches determination of the type/size of grammar needed ,i.e., complexity, (a stored "canned" grammar, vs. a specialized grammar → <u>Dragosh (6604077)</u>, col. 6 lines 25-30), determination of locations, including locally or remotely (either stored locally or at a specific URL – <u>Dragosh (6604077)</u>, col. 6 lines 35-40).

Response to Arguments

4.   Applicant's arguments filed 7/18/07 have been fully considered. Examiner notes the comments regarding the claim scope of the characterization steps. Furthermore, examiner points to Ladden (5855003) switching between speech recognition codecs based upon the desired

processing (col. 3 lines 40-60 and col. 4 lines 31-50); as well as Smith (5054082) teaching

choosing between speaker independent and speaker dependent codebooks (a.k.a. grammars)

based upon size and cost restraints (col. 3 lines 35-62).

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.   Please see related art listed on the PTO-892 form.

6.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Michael Opsasnick, telephone number (571)272-7623,
who is available Tuesday-Thursday, 9am-4pm.
       If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for
the organization where this application or proceeding is assigned is 571-273-8300.
       Information regarding the status of an application may be obtained from the Patent
Application Information Retrieval (PAIR) system. Status information for published applications
may be obtained from either Private PAIR or Public PAIR. Status information for unpublished
applications is available through Private PAIR only. For more information about the PAIR
system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR
system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MICHAEL OPSASNICK
PRIMARY EXAMINER

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02/17/07